IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL.

Writ petition No. 1129(S/S)2006

Smt. Mithilesh W/o Sri Narendra Singh,
R/o House no. 648, Mohalla Bazar,
Ward no.9, Bhup Singh Chipain Juspur,
Udham Singh Nagar. ....Petitioner.

Vs.

1. Bal Vikas Pariyojana Adhikari,
   Jaspur, Udham Singh Nagar,
2. Zila Karyakram Adhikari,
   Bal Vikas Seva, U.S. Nagar. ....Respondents.

Sri Tumul Nailwal, learned counsel for the petitioner.
Sri Paresh Tripathi, learned Brief Holder for the State/respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Tumul Nailwal, learned counsel for the petitioner and Sri Paresh Tripathi, learned Brief Holder for the State/respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:-

i. Issue a writ, rule order or direction in the nature of certiorari calling for the records and quashing the impugned dismissal order dated 16.06.2006 (annexure no.1) passed by respondent no.1;

ii. Issue a writ, rule order or direction in the nature of mandamus commanding and directing the respondents not to interfere in the peaceful functioning of the petitioner as Agan Bari Karyakarti, Agan Bari Kendra, Mohalla Bazar, Bhup Singh, Ward no.9 Jaspur U.S. Nagar;

iii. Issue any other order or direction, which this Hon'ble Court may deem fit and proper under the circumstances of the case;

iv. Award cost of the petition in favour of the petitioner.

Vide order dated 16.06.2006 passed by Bal Vikas Pariyojana Adhikari, Jaspur, district Udham Singh Nagar, the services of the petitioner who was working as ANGANBARI KARYAKARTI were terminated on the ground that she is not the permanent resident of Ward no.9, Mohalla Bazar, Jaspur, district Udham Singh Nagar. The petitioner, in para-9 of the writ petition, has categorically stated that a certificate dated 14th July 2006 was issued by the Sub Divisional Magistrate, Jaspur, U.S. Nagar to the effect that the petitioner is a permanent resident of Mohall Bazar, Jaspur, Tehsil-Jaspur, District Udham Singh Nagar. The petitioner was appointed as AGANBARI KARYAKARTI in Ward no. 9, Jaspur, District Udham Singh Nagar. Her appointment has been cancelled on the ground that she is not the permanent resident of Ward no. 9. This very stand which has been taken by the respondents is based upon the certificate issued by the member of Ward no.9 of Jaspur Municipality. On one hand, there exists a certificate dated 14th July 2006 issued by Sub Divisional Magistrate, Jaspur which illustrate that the petitioner is the permanent resident of Mohalla Bazar, Jaspur, district Udham Singh Nagar on the other hand there exists another certificate issued by the member of Ward no. 9, Jaspur, district Udham Singh Nagar to the effect that the petitioner is not a permanent resident of Ward no.9, Jaspur district Udham Singh Nagar.

According to the Govt. Order, a person can be appointed as AGANBARI KARYAKARTI at a particular place, if she is the permanent resident of that place/ward. It is not clear, either from the writ petition or from the counter affidavit that there is more than one ward in Mohalla Bazar, Jaspur.

In these circumstance it is provided that the petitioner may submit certificate issued by the competent authority to the effect that she is the permanent resident of Ward no.9, Mohalla Bazar, Jaspur, district Udham Singh Nagar, the place from where her selection was made on the post. In case, the petitioner submits such certificate, her case shall be considered for reappointment on the post in Ward no.9, Mohalla Bazar, Jaspur.

With these directions, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

November 16, 2007:
NCM: